srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7172 OF 2006.

Abdul Bashir Khan. ..Petitioner.

Versus.

Union of India & Others. ..Respondents.

Asif Iqbal I. Patel for the petitioner.

Rajiv Shetty with G. c. Mishra for the respondent Nos. 1 to 3.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.

DATE: APRIL 17, 2007.

P.C.

1. Perused the judgment of the Central Administrative Tribunal. Learned counsel for the petitioner submitted that for the absence of 7 years the departmental enquiry was conducted, however two punishments have been imposed for the same charge by the two authorities of the respondent. But we find that there was only one departmental enquiry and in the said departmental enquiry the orders in respect of the dismissal have been passed. The order has been passed for regularising the services for the accounting purpose only. Relying upon the judgment of the Hon'ble the Supreme Court in State of M. P. v/s. Hariharan Gopal (1969 SLR 274) wherein the Supreme Court has observed

that regularising the period of absence, in no way absolves the applicant of the misconduct, the Tribunal has passed the impugned judgment. Thus viewed there is no merit in the matter. It is hereby rejected.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**